



ORDER PASSED BELOW EXH.44.
(CNR No. MHWS11-000654-2025)
Dr. Nikki Katariya Vs. Collector, Washim + 1

- 1] Present application has been filed by plaintiff thereby praying for framing additional issues in respect of additional pleadings incorporated in the plaint by way of amendment.
- 2] Perused application and say of defendants. I have also heard Ld. Advocate for the plaintiff and Ld. Advocate for the defendants.
- 3] Ld. Advocate for the plaintiff has submitted that initially the plaintiff filed present suit for seeking relief of perpetual injunction. However, by way of amendment order dated 23/08/2024 passed below Exh.41, plaint came to be amended and additional pleadings in respect of declaration of ownership of plaintiff on the basis of principle of adverse possession came to be incorporated in the plaint. As such, it is now necessary to frame additional issues in respective of said additional pleadings incorporated in the plaint by way of amendment. Hence, Ld. Advocate for the plaintiff prayed for grant of this application.
- 4] On the contrary, Ld. Advocate for the defendants has strongly opposed present application and submitted that necessary order may kindly be passed.
- 5] I have perused record and also considered the submissions of Ld. Advocates appearing for respective parties. It is

pertinent to note here that by way of amendment order dated 23/08/2024 passed below Exh.41, plaint came to be amended and additional pleadings in respect of declaration of ownership of plaintiff in respect of suit property on the basis of principle of adverse possession came to be incorporated in the plaint. As such, it is now necessary to frame additional issues in respective of said additional pleadings and relief incorporated in the plaint by way of amendment. In my considered view, if present application is allowed, no prejudice will be caused to the defendants. Therefore, I think it just and proper to allow this application. Hence, I proceed to pass the following order -

ORDER

- 1] Application is allowed.
- 2] Additional issues are framed accordingly as under -
 - 1-A) Whether plaintiff proves that the plaintiff has become lawful owner of the suit property by way of principle of adverse possession ?
 - 3-A) Whether plaintiff is entitled for the relief of declaration as prayed ?

Date - 15/09/2025.

(S. W. Thombre)
Civil Judge, (Sr.Dn.),
Karanja (Lad).

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Karanja.
- 3) Date :- 15/09/2025
- 4) Order signed by the
presiding officer on :- 15/09/2025
- 5) Order uploaded on :- 15/09/2025